

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FOUR BROTHERS INVESTMENT LLC,)

)

Plaintiff,)

)

v.)

No. 4:25 CV 864 CDP

)

ACUITY INSURANCE COMPANY,)

)

Defendant.)

MEMORANDUM AND ORDER

This recently reassigned case is before me for review of subject-matter jurisdiction. Plaintiff Four Brothers Investment LLC brings this breach of contract action in diversity alleging that defendant Acuity Insurance Company breached its insurance contract with plaintiff by failing to properly evaluate and investigate plaintiff's claim of damage to its insured property and by failing to pay for covered damage to the property. Plaintiff also brings a claim of vexatious refusal to pay. Plaintiff invokes this Court's diversity jurisdiction under 28 U.S.C. § 1332.

I have reviewed plaintiff's complaint and find that there is no adequate statement of citizenship with respect to either party to the case. I will therefore order plaintiff to file an amended complaint to properly allege this Court's subject-matter jurisdiction.

In its complaint, plaintiff identifies itself as “a Limited Liability Company registered in the State of Missouri and principally located at 10130 West Florissant Ave, St. Louis, MO 63136.” (ECF 1 at ¶ 1.) For purposes of diversity, however, a limited liability company’s citizenship is the citizenship of all its members. *GMAC Commercial Credit LLC v. Dillard Dep’t Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004). Plaintiff does not identify its members, nor does it allege the members’ citizenship.


As to defendant Acuity Insurance Company, plaintiff avers that it is a “domestic/foreign corporation registered and licensed to sell insurance in the State of Missouri. Defendant’s principal address is 2800 South Taylor Drive, PO Box 58 Sheboygan, WI 53082-0058[.]” (ECF 1 at ¶ 2.) With respect to corporate defendants, however, a proper statement of citizenship includes the corporation’s place of incorporation and its principal place of business. *Sanders v. Clemco Indus.*, 823 F.2d 214, 216 (8th Cir. 1987). Plaintiff’s description of the defendant here is insufficient to establish its citizenship.

Because there is no sufficient statement of citizenship with respect to either party in the case, I am unable to determine if this Court has subject-matter jurisdiction. Accordingly, I will give plaintiff seven (7) days to amend its complaint to properly allege this Court’s subject-matter jurisdiction. Failure to timely comply with this Order may result in this action being dismissed without

prejudice for lack of subject-matter jurisdiction.

Therefore,

IT IS HEREBY ORDERED that plaintiff Four Brothers Investment LLC shall file an amended complaint **within seven (7) days of the date of this Order** to properly allege this Court's subject-matter jurisdiction. Failure to timely comply with this Order may result in this action being dismissed without prejudice for lack of subject-matter jurisdiction.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 24th day of July, 2025.